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EXAMINER

SHAH, AMEE A

ART UNIT PAPER NUMBER

3625

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,347

Applicant(s)

FAYEMI, WOLE

Examiner

Amea A. Shah

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20 Aug. 2001.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 042105/
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-30 are pending in this action.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are handwritten. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

For examining purposes, the claims have been renumbered in the following manner: the first claim numbered 3 is still claim 3, the second claim numbered 3 is renumbered claim 4,

Art Unit: 3625

claim 4 is renumbered claim 5, claim 5 is renumbered claim 6, and continuing so forth with claim 29 renumbered claim 30. Claims dependent on any renumbered claims will be changed to reflect the renumbering. Appropriate corrections are required.

Claims 17-20 are objected to because of the following informalities: in line 1 of all of the claims, "the said performance attributes" should be simply -- said performance attributes --. Appropriate corrections are required.

Claim 21 is objected to because of the following informalities: "components" referred to in line 6 of the claim (page 14) is a misspelling and should be --components--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 recites the limitation "virtual map" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, as best understood by the examiner, the limitation would be read "wherein said virtual representation recreates the structural features..., " and will be treated further on the merits accordingly.

Regarding claims 13 and 23, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. *See*

MPEP § 2173.05(d). For examination purposes, the examiner will interpret the limitations following the phrase in the alternative.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 claims the limitation of “weight” for a performance attribute. The specification, however, teaches “curb weight,” not any weight as a performance attribute. Curb weight is the weight of a ground vehicle including fuel, lubricants, coolant, and on-vehicle material, excluding cargo and operating personnel. Weight is a much broader term. For examination purposes, the examiner will read claim 17 to state “curb weight” and not just any weight.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 is a method claim using “means plus function” language. The proper test for meeting the definiteness requirement is that the corresponding structure (or material or acts) of a means (or step) – plus – function limitation must be disclosed in the specification itself in a way that one skilled in the art will understand what structure (or material or acts) will perform the recited function. *See Atmel Corp. v. Information Storage Devices, Inc.*, 198 F.3d 1374, 1381, 53 USPQ2d 1225, 1230 (Fed. Cir. 1999). The examiner could not find corresponding structure of a means-plus-function limitation to “determine the present market demand for said automobile” in

Art Unit: 3625

the specification itself in a way that one skilled in the art will understand what structure will perform the recited function. Therefore, claim 24 is rendered unclear. *See* MPEP §2181.

In view of the above, the examiner will not invoke 35 USC 112, 6th paragraph, while examining claim 24, and will give it the broadest reasonable interpretation.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 2, and 4-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As an initial matter, the United States Constitution under Art. I, §8, cl. 8 gave Congress the power to "[p]romote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries". In carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition or matter, or any new and useful improvement thereof." Therefore, a fundamental premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right to the inventors for "inventions" that promote the progress of "science and the useful arts". The phrase "technological arts" has been created and used by the courts to offer another view of the term "useful arts". See *In re Musgrave*, 167 USPQ (BNA) 280 (CCPA 1970). Hence, the first

Art Unit: 3625

test of whether an invention is eligible for a patent is to determine if the invention is within the "technological arts".

Further, despite the express language of §101, several judicially created exceptions have been established to exclude certain subject matter as being patentable subject matter covered by §101. These exceptions include "laws of nature", "natural phenomena", and "abstract ideas". See *Diamond v. Diehr*, 450, U.S. 175, 185, 209 USPQ (BNA) 1, 7 (1981). However, courts have found that even if an invention incorporates abstract ideas, such as mathematical algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole produces a "useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).

This "two prong" test was evident when the Court of Customs and Patent Appeals (CCPA) decided an appeal from the Board of Patent Appeals and Interferences (BPAI). See *In re Toma*, 197 USPQ (BNA) 852 (CCPA 1978). In *Toma*, the court held that the recited mathematical algorithm did not render the claim as a whole non-statutory using the Freeman-Walter-Abele test as applied to *Gottschalk v. Benson*, 409 U.S. 63, 175 USPQ (BNA) 673 (1972). Additionally, the court decided separately on the issue of the "technological arts". The court developed a "technological arts" analysis:

The "technological" or "useful" arts inquiry must focus on whether the claimed subject matter...is statutory, not on whether the product of the claimed subject matter...is statutory, not on whether the prior art which the claimed subject matter purports to replace...is statutory, and not on whether the claimed subject matter is presently perceived to be an improvement over the prior art, e.g., whether it "enhances" the operation of a machine. *In re Toma* at 857.

In *Toma*, the claimed invention was a computer program for translating a source human language (e.g., Russian) into a target human language (e.g., English). The court found that the

Art Unit: 3625

claimed computer implemented process was within the "technological art" because the claimed invention was an operation being performed by a computer within a computer.

The decision in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* never addressed this prong of the test. In *State Street Bank & Trust Co.*, the court found that the "mathematical exception" using the Freeman-Walter-Abele test has little, if any, application to determining the presence of statutory subject matter but rather, statutory subject matter should be based on whether the operation produces a "useful, concrete and tangible result". See *State Street Bank & Trust Co.* at 1374. Furthermore, the court found that there was no "business method exception" since the court decisions that purported to create such exceptions were based on novelty or lack of enablement issues and not on statutory grounds. Therefore, the court held that "[w]hether the patent's claims are too broad to be patentable is not to be judged under §101, but rather under §§102, 103 and 112." See *State Street Bank & Trust Co.* at 1377. Both of these analyses go towards whether the claimed invention is non-statutory because of the presence of an abstract idea. Indeed, *State Street* abolished the Freeman-Walter-Abele test used in *Toma*. However, *State Street* never addressed the second part of the analysis, i.e., the "technological arts" test established in *Toma* because the invention in *State Street* (i.e., a computerized system for determining the year-end income, expense, and capital gain or loss for the portfolio) was already determined to be within the technological arts under the *Toma* test. The Board of Patent Appeals and Interferences (BPAI) has recently acknowledged this dichotomy in affirming a §101 rejection finding the claimed invention to be non-statutory. See *Ex parte Bowman*, 61 USPQ2d (BNA) 1669 (BdPatApp&Int 2001).

In the present application, claims 1, 2, and 4-21 are method claims that manipulate an abstract idea and are not tied to any technological art, environment, or machine. The method can be implemented manually without technology, as there is no technology cited. As such, they are non-statutory under 35 U.S.C. §101. In order to overcome this rejection, the applicant can rewrite the claims citing technology, for example a computer server, network, or software, for which there must be support in the disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 7-10 and 13-16 are rejected under 35 U.S.C. 102(e)(2) as being anticipated by Cansler et al. (Patent No. 6,725,257 B1).

Referring to claim 1. Cansler et al. discloses a method for mass-customizing and assembling multi-component articles for a consumer (Cansler et al., col. 3, lines 33-35), said method comprising the steps of:

Art Unit: 3625

- choosing a multiple component article to be assembled (Cansler et al., col. 3, lines 33-35 – note that the multiple component article is a vehicle);
- selecting constituent components adaptable to said multi-component article, wherein said constituent component is attachable to the three-dimensional structure of said multi-component article (Cansler et al., col. 3, lines 58-65 – note that the constituent components are leather seats, CD player and alloy wheels, all of which are inherently attachable to the three-dimensional structure of a vehicle);
- searching a database wherein said database is in part a catalogue of said constituent components that permits a consumer to choose one or more desired constituent components that are compatible with a consumer's previously selected components (Cansler et al., col. 3, lines 66-67 and col. 5, lines 8-12 and lines 34-38 – note that a search of the database is accomplished by connecting to the server, and that the database is the combination of the product database and configuration database); and
- combining the attributes of said constituent components to determine performance attributes of multi-component combinations (Cansler et al., col. 7, lines 2-16 – note that the performance attributes are the other options required).

Referring to claim 4. Cansler et al. discloses the method of claim 1, wherein the step of choosing the multiple-components article to be assembled is undertaken by the consumer (Cansler et al., col. 4, lines 39-43 – note that choosing the multiple component article is accomplished by choosing the base configuration of the vehicle).

Referring to claim 5. Cansler et al. discloses the method of claim 1, wherein the step of choosing the multiple-components article to be assembled is undertaken as a result of consumer responses to inquiries (Cansler et al., col. 4, lines 42-50 – note that the inquiries are whether the user wants to configure the selected vehicle or select another base configuration).

Referring to claim 7. Cansler et al. discloses the method of claim 1, wherein said multi-component article is a vehicle (Cansler et al., col. 3, lines 33-35).

Referring to claim 8. Cansler et al. discloses the method of claim 7 wherein said vehicle is selected from the group consisting of automobiles, trucks, boats, ships, and air-borne vehicles (Cansler et al., col. 3, lines 41-51 – note that the definition of vehicle given inherently encompasses automobiles, trucks, boats, ships and air-borne vehicles).

Referring to claim 9. Cansler et al. discloses the method of claim 1, wherein said multi-component article is selected from the group consisting of automobiles, trucks, boats, ships, and vehicles capable of air travel (Cansler et al., col. 3, lines 41-51 – note that the definition of vehicle given inherently encompasses automobiles, trucks, boats, ships, and vehicles capable of air travel).

Referring to claim 10. Cansler et al. discloses the method of claim 1, wherein said multi-component article is either new or previously owned (Cansler et al., col. 7, lines 20-23 – note

Art Unit: 3625

that by selecting the year of the vehicle, i.e. current model year of previous model year, the vehicle can be either new or previously owned).

Referring to claim 13. Cansler et al. discloses the method of claim 1, wherein said database stores data comprising:

- a variety of multi-component article customization and production features that define the appearance, structural nature, performance, manufacturing and consumer costs, of any of said constituent components (Cansler et al., col. 7, lines 20-64); and further, wherein said data includes features of said constituent components that may be relevant to said consumer such as,
 - physical compatibility and operability when combined with a particular multi-component article (Cansler et al., col. 7, lines 20-44);
 - physical compatibility and operability when combined with other constituent components (Cansler et al., col. 7, lines 2-8);
 - physical compatibility and operability under specified conditions of use;
 - specific year and model of the multi-component article (Cansler et al., col. 7, lines 22-23);
 - physical durability of said constituent component;
 - projected depreciated value of the individual constituent components after varying periods of use;
 - projected depreciated value of the multi-component article as a whole;

Art Unit: 3625

- choices of materials, colors, styling modifications, maintenance and repair services, environmental hazard indices, and cost and price information .

Referring to claim 14. Cansler et al. discloses the method claim 1, wherein the multi-component article is a system comprised of subsystems (Cansler et al., col. 3, lines 33-35 – note that the multi-component article is a vehicle which inherently is a system comprised of subsystems).

Referring to claim 15. Cansler et al. discloses the method of claim 13, wherein the multi-component system is an automobile, and said sub-systems include but are not limited to, an engine, a chassis, a steering sub-system, a braking sub-system and an electronic entertainment/communication/ tracking sub-system (Cansler et al., col. 3, lines 33-35).

Referring to claim 16. Cansler et al. discloses the method of claim 15, wherein a sub-system may be replaced in its entirety, or in part by replacing one or more of the sub-system's constituent components (Cansler et al., col. 3, lines 47-65 – note that the sub-system may be the engine or transmission).

Claims 1, 2, 6, 11, 12, and 21 are rejected under 35 U.S.C. 102(e)(1) as being anticipated by Fujiwara (Pub. No. US 2001/0032149 A1).

Referring to claim 1. Fujiwara discloses a method for mass-customizing and assembling multi-component articles for a consumer (Fujiwara, page 1, ¶0008), said method comprising the steps of:

- choosing a multiple component article to be assembled (Fujiwara, page 1, ¶0010 – note that the multiple component article is an automotive vehicle on which parts are to be installed);
- selecting constituent components adaptable to said multi-component article, wherein said constituent component is attachable to the three-dimensional structure of said multi-component article (Fujiwara, page 1, ¶0010 – note that the constituent components are the automotive parts to be installed on an automotive vehicle);
- searching a database wherein said database is in part a catalogue of said constituent components that permits a consumer to choose one or more desired constituent components that are compatible with a consumer's previously selected components (Fujiwara, page 4, ¶¶0028 and 0039 – note that the search of the database is accomplished by connecting to the server, and that the database is the server computer storing parts data in web page format described in HTML); and
- combining the attributes of said constituent components to determine performance attributes of multi-component combinations (Fujiwara, page 4, ¶0041, “the user can easily check the appearance and performance of the vehicle with the desired aerodynamics parts installed thereon” – note that the performance attributes are included in “the performance of the vehicle”).

Referring to claim 2. Fujiwara discloses the method of claim 1 further comprising the steps of using the results from said database search to virtually assemble said chosen multi-component article and said chosen constituent component combinations into viewable representation of said multi-component article displaying said one or more chosen constituent components (Fujiwara, page 4, ¶0041 – note that the viewable representation is the screen display of the image of the vehicle with the parts).

Referring to claim 6. Fujiwara discloses the method of claim 1, wherein the step of searching the database compatible components are narrowed to include only further components which as compatible with components already selected (Fujiwara, page 4, ¶0039, “the server computer searches the parts database to find out the parts which are compatible with the vehicle model and year”).

Referring to claim 11. Fujiwara discloses the method of claim 6, wherein said constituent component is brand new, or previously owned (Fujiwara, pages 3-4, ¶0036 – note that the parts data is capable of including data regarding whether a part is brand new or previously owned).

Referring to claim 12. Fujiwara discloses the method of claim 2, wherein said virtual representation recreates the structural features of a consumer's presently owned multi-component article; and said consumer modifies at least one feature of said presently owned multi-component article by choosing from the database one or more constituent components to create said virtual

Art Unit: 3625

image, so as to assess the desirability of said modification (Fujiwara, page 4, ¶0041 – note that the customer modification of at least one feature by choosing from the database is the user pressing the applicable selector buttons for highlighting the desired parts).

Referring to claim 21. Fujiwara discloses a method for mass-customizing and assembling automobiles, said method comprising the steps of:

- selecting constituent components adaptable to said automobile (Fujiwara, page 1, ¶0010 – note that the constituent components are the automotive parts to be installed on an automotive vehicle);
- searching a database wherein said database is in part a catalog of said constituent components that permits a consumer to choose one or more desired constituent components that are compatible with a consumer's previously selected components (Fujiwara, page 4, ¶¶0028 and 0039 – note that the search of the database is accomplished by connecting to the server, and that the database is the server computer storing parts data in web page format described in HTML); and combining the attribute of said constituent components to determine performance attributes of multi-component combinations (Fujiwara, page 4, ¶0041, “the user can easily check the appearance and performance of the vehicle with the desired aerodynamics parts installed thereon” – note that the performance attributes are included in “the performance of the vehicle”).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 22, 25 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Lang (Patent No. 6,807,518 B1).

Referring to claim 3. Fujiwara discloses the method of claim 1, as discussed supra, further comprising the steps of:

- storing in a computer network (Fujiwara, page 4, ¶0039 – note that the computer network is the server computer and parts database), data relating to:
 - transmitting said data to specified role players of said multi-component article's supply chain, so as to coordinate role player activity within and across each tier of said supply chain (Fujiwara, page 5, ¶0048 – note that the specified role players are the candidate dealers and that the transmittal of the data is inherently capable of being for the purpose of coordinating role player activity); and
 - obtaining said constituent components from role players in an appropriate supply chain (Fujiwara, page 5, ¶0051 – note that the obtaining of the

constituent components is the purchase and installation of the desired parts); and

- manufacturing and assembling said multi-component article (Fujiwara, page 5, ¶0051 – note that the manufacturing and assembling said multi-component article is the installation of the desired parts onto the vehicle);
- coordinating the manufacture, shipping and actual delivery of said constituent components to a multi-component article assembling facility (Fujiwara, page 6, ¶¶0056 and 0061 – note that the coordination of manufacture, shipping and actual delivery is comprised of the system permitting users to reserve a place of installation and purchase of parts within the time frame the user chooses).

Fujiwara does not disclose, however, the method of claim 1 further comprising the step of storing in a computer network data relating to assessing said consumer's satisfaction with one or more of said constituent components or combinations thereof.

Lang discloses a method for analyzing product information that stores in a computer network (Lang, col. 3, line 58 through col. 4, line 11 – note that the computer network is the data cube accessible over a server) data relating to assessing said consumer's satisfaction with one or more of said constituent components or combinations thereof (Lang, col. 3, lines 15-58 – note that consumer satisfaction is comprised of the consumer concerns and desires and that constituent components are vehicle system and components).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Fujiwara to include the teachings of Lang to allow for the

Art Unit: 3625

storage in a computer network of data relating to assessing the consumer's satisfaction with one or more of the constituent components or combinations thereof. Doing so would allow for businesses to improve the quality of their product, cut costs and address customer concerns in an efficient manner, as suggested in Lang. (Lang, col. 1, lines 16-22 and col. 2, lines 1-3).

Referring to claim 22. Fujiwara discloses the method of claim 21, as discussed supra, further comprising the step of:

- storing in a computer network, data relating to:
 - obtaining said constituent components from role players in an automobile manufacturing supply chain (Fujiwara, page 5, ¶0051 – note that the obtaining of the constituent components is the purchase and installation of the desired parts);
 - manufacturing and assembling said automobile (Fujiwara, page 5, ¶0051 – note that the manufacturing and assembling said automobile is the installation of the desired parts onto the vehicle);
 - transmitting said data to specified role players of said supply chain, so as to coordinate role player activity within and across each tier of said supply chain (Fujiwara, page 5, ¶0048 – note that the specified role players are the candidate dealers and that the transmittal of the data is inherently capable of being for the purpose of coordinating role player activity); and
- coordinating the manufacture, shipping and actual delivery of said constituent components to an automobile assembling facility (Fujiwara, page 6, ¶¶0056 and

0061 – note that the coordination of manufacture, shipping and actual delivery is comprised of the system permitting users to reserve a place of installation and purchase of parts within the time frame the user chooses).

Fujiwara does not disclose, however, the method of claim 21 further comprising the step of storing in a computer network data relating to assessment of said consumer's satisfaction with one or more of said constituent components or combinations thereof.

Lang discloses a method for analyzing product information that stores in a computer network (Lang, col. 3, line 58 through col. 4, line 11 – note that the computer network is the data cube accessible over a server) data relating to the assessment of said consumer's satisfaction with one or more of said constituent components or combinations thereof (Lang, col. 3, lines 15-58 – note that consumer satisfaction is comprised of the consumer concerns and desires and that constituent components are vehicle system and components).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Fujiwara to include the teachings of Lang to allow for the storage in a computer network of data relating to assessing the consumer's satisfaction with one or more of the constituent components or combinations thereof. Doing so would allow for businesses to improve the quality of their product, cut costs and address customer concerns in an efficient manner, as suggested in Lang. (Lang, col. 1, lines 16-22 and col. 2, lines 1-3).

Referring to claim 25. Fujiwara in view of Lang discloses the method of claim 22, as discussed supra. Fujiwara further discloses the method wherein the computer network transmits

Art Unit: 3625

said consumer choice data to all role players at all tiers of the supply chain permitting all role players to monitor and update, their supply-related activities and their demand-related activities, and to transmit said updated information to all other role players at all tiers of said supply chain (Fujiwara, page 5, ¶0048 – note that the role players are the candidate dealers and that the transmittal of the data is inherently capable of being for the purpose of permitting all role players to monitor and update, their supply-related activities and their demand-related activities, and to transmit said updated information to all other role players at all tiers of said supply chain).

Referring to claim 28. Fujiwara in view of Lang discloses the method of claim 22, as discussed supra. Fujiwara further discloses the method wherein said automobile components may perform at least one function relating to the aesthetic, structural or performance nature of said customized automobile (Fujiwara, page 4, ¶¶0040-0041 – note that the example given of the front spoiler as the automobile component performs aerodynamic and performance functions).

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cansler et al. in view of Rivera (Pub. No. US 2002/0124260 A1).

Referring to claims 17-20. Cansler et al. discloses the method of claim 7, as discussed supra. Cansler et al. does not disclose, however, the method of claim 7 wherein said performance attributes include curb weight (claim 17), acceleration (claim 18), braking (claim 19) or handling (claim 20).

Rivera discloses a video recording system for operation onboard vehicles wherein courses are designed to show off to the best effect the performance attributes of a vehicle. Rivera discloses that performance attributes include acceleration, braking, handling and the ability to maintain a high level of speed when cornering (Rivera, page 4, ¶0040 – note that curb weight is a factor in determining acceleration and ability to maintain a high speed when cornering and is therefore included as a performance attribute).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Cansler et al. to include the teachings of Rivera to allow for a determination of performance attributes related to curb weight, acceleration, braking and handling. Doing so would provide for better advertising by assisting and influencing a potential vehicle buyer with access to relevant and objective information, thereby potentially resulting in more sales, as suggested in Rivera (Rivera, page 4, ¶0043).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Lang as applied to claim 22 above, and further in view of Cansler.

Referring to claim 23. Fujiwara in view of Lang discloses the method of claim 22, as discussed supra, but does not disclose the method of claim 22 wherein said database stores data comprising:

- choices of automobile customization and production features;
- wherein said data relates to appearance, structural nature, performance or cost of any of said features; and

- wherein said data defines said automobile features such as,
 - platform, manufacturing panel technology, choice of powertrain, year of the car, projected depreciated value of the individual parts, projected depreciated value of the car as a whole, choice of interior materials, choice of colors, choice of styling modifications, choice of electronic equipment and services, emission values, electronic footprint of engine/exhaust note, intended, and cost and price information.

Cansler et al. discloses a method wherein the database stores data comprising choices of automobile customization and production features (Cansler et al., col. 5, lines 34-38); wherein said data relates to appearance, structural nature, performance or cost of any of said features (Cansler et al., col. 6, lines 8-11 and lines 34-42); and wherein said data defines said automobile features such as, platform, manufacturing panel technology, choice of powertrain, year of the car, projected depreciated value of the individual parts, projected depreciated value of the car as a whole, choice of interior materials, choice of colors, choice of styling modifications, choice of electronic equipment and services, emission values, electronic footprint of engine/exhaust note, intended, and cost and price information (Cansler et al., col. 6, lines 8-11 and lines 34-42).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Fujiwara in view of Lang to include the teachings of Cansler et al. to allow for the database to store data comprising choices of automobile customization and production features, wherein said data relates to appearance, structural nature, performance or cost of any of said features, and wherein said data defines said automobile features such as, platform, manufacturing panel technology, choice of powertrain, year of the car,

Art Unit: 3625

projected depreciated value of the individual parts, projected depreciated value of the car as a whole, choice of interior materials, choice of colors, choice of styling modifications, choice of electronic equipment and services, emission values, electronic footprint of engine/exhaust note, intended, and cost and price information. Doing so would allow for a user to access the various options in an efficient manner, saving user time, and potentially resulting in more sales, as suggested in Cansler et al. (Cansler et al., col. 4, lines 15-24).

Claims 24, 26, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Lang as applied to claim 22 above, and further in view of Ahluwalia (Patent No. 6,728,685 B1).

Referring to claim 24. Fujiwara in view of Lang discloses the method of claim 22, as discussed supra, but does not disclose the method of claim 22, wherein the database further comprises a means to determine the present market demand for said automobile, said demand being determined by comparing said data with a current supply/demand curves for automobiles having characteristics similar to said automobile.

Ahluwalia discloses an online communication schema for reporting related to online ordering and tracking wherein the system can include a report process routine for communicating customer trend, preference and other customer-related data including determining the present market demand for the automobile, with the demand being determined by comparing the data with a current supply/demand curves for automobiles having characteristics similar to the automobile (Ahluwalia, col. 6, lines 59-62 and col. 28, line 60 through col. 29, line 56 – note that the present market demand is the “rank ordered top 10 models per brand” and that the method of

ranking inherently compares data with current supply/demand curves for automobiles having characteristics similar to said automobile).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Fujiwara in view of Lang further to include the teachings of Ahluwalia to allow for the database further comprising a means to determine the present market demand for the automobile, with the demand being determined by comparing the data with a current supply/demand curves for automobiles having characteristics similar to the automobile. Doing so would allow for a “better understanding of potential buyers’ likes and dislikes and to determine potential buyer profiles” (Ahluwalia, col. 9, lines 8-14) which will result in more targeted marketing and increased profits, as suggested in Ahluwalia.

Referring to claim 26. Fujiwara in view of Lang discloses the method of claim 22, as discussed supra, but does not disclose the method of claim 22 wherein all supply chain participants use database management software that recursively and continuously tracks consumer preferences and trends, and adjusts its inventories, availability, and costs of constituent components, and length of delays in shipping and final delivery times to another participant of said supply chain.

Ahluwalia discloses an online communication schema for reporting related to online ordering and tracking wherein the system can all supply chain participants use database management software that recursively and continuously tracks consumer preferences and trends (Ahluwalia, col. 28, line 60 through col. 29, line 56 – note that the database management software is the report process), and adjusts its inventories, availability, and costs of constituent

Art Unit: 3625

components, and length of delays in shipping and final delivery times to another participant of said supply chain (Ahluwalia, col. 7 line 60 through col. 8 line 31 – note that the inventory database and pricing database are capable of adjusting the inventories, availability, and costs of constituent components, and length of delays in shipping and final delivery times to another participant of said supply chain).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Fujiwara in view of Lang further to include the teachings of Ahluwalia to allow for all supply chain participants to use database management software that recursively and continuously tracks consumer preferences and trend, and adjusting its inventories, availability, and costs of constituent components, and length of delays in shipping and final delivery times to another participant of said supply chain. Doing so would allow for a “better understanding of potential buyers’ likes and dislikes and to determine potential buyer profiles” (Ahluwalia, col. 9, lines 8-14) and would provide customers with “real-time information relating to inventory, in-transit stock, scheduled and unscheduled orders, etc., that may influence the customer’s decision to order or not to order the configured product” (Ahluwalia, col. 2, lines 41-51) which will result in more targeted marketing and increased sales, as suggested in Ahluwalia.

Referring to claim 27. Fujiwara in view of Lang discloses the method of claim 22, as discussed supra, but does not disclose the method of claim 22 wherein each role player maximizes its demand-related activities by tracking consumer choices, and adjusting inventories accordingly.

Ahluwalia discloses an online communication schema for reporting related to online ordering and tracking wherein each role player maximizes its demand-related activities by tracking consumer choices (Ahluwalia, col. 28, line 60 through col. 29, line 56 –note that the tracking of consumer choices is accomplished by receiving reports on consumer click streams, popular models, popular build combinations, etc.), and adjusting inventories accordingly (Ahluwalia, col. 7, line 60 through col. 8, line 31 and col. 28, line 60 through col. 29, line 56 – note that the inventory database and pricing database are capable of adjusting the inventories and that the tracking of consumer choices can inherently be used to adjust inventories).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Fujiwara in view of Lang further to include the teachings of Ahluwalia to allow for each role player to maximize its demand-related activities by tracking consumer choices, and adjusting inventories accordingly. Doing so would allow for a “better understanding of potential buyers’ likes and dislikes and to determine potential buyer profiles” (Ahluwalia, col. 9, lines 8-14) which will result in more targeted marketing and increased sales, as suggested in Ahluwalia.

Referring to claim 29. Fujiwara in view of Lang discloses the method of claim 22, as discussed supra, but does not disclose the method of claim 22, wherein said component database stores and recursively analyzes information relating to the appearance and/or the performance of said constituent components, the costs of purchasing and installing said components, and the availability of said constituent components so as to provide updated delivery dates of an assembled or modified automobile to a consumer.

Ahluwalia discloses an online communication schema for reporting related to online ordering and tracking wherein said component database stores and recursively analyzes information (Ahluwalia, col. 28, lines 38-44 – note that the component database includes the reporting data collector) relating to the appearance and/or the performance of said constituent components (Ahluwalia, col. 28, line 60 through col. 29, line 56 – note that the appearance and/or the performance of said constituent components is the rank order of popular (non-standard) options), the costs of purchasing and installing said components (Ahluwalia, col. 8, lines 3-11 – note that the costs of purchasing and installing said components is the price of the vehicle with the selected vehicle configurations and options), and the availability of said constituent components so as to provide updated delivery dates of an assembled or modified automobile to a consumer (Ahluwalia, col. 11, lines 35-55 – note that availability of said constituent components so as to provide updated delivery dates of an assembled or modified automobile to a consumer is the inventory process and tag request that can provide an estimate of the vehicle delivery or available date).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Fujiwara in view of Lang further to include the teachings of Ahluwalia to allow for said component database to store and recursively analyze information relating to the appearance and/or the performance of said constituent components, the costs of purchasing and installing said components, and the availability of said constituent components so as to provide updated delivery dates of an assembled or modified automobile to a consumer. Doing so would allow for a “better understanding of potential buyers’ likes and dislikes and to determine potential buyer profiles” (Ahluwalia, col. 9, lines 8-14) and would provide customers

with “real-time information relating to inventory, in-transit stock, scheduled and unscheduled orders, etc., that may influence the customer’s decision to order or not to order the configured product” (Ahluwalia, col. 2, lines 41-51) which will result in more targeted marketing and increased sales, as suggested in Ahluwalia.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara in view of Lang as applied to claim 22 above, and further in view of Bennett et al. (Pub. No. US 2001/0039516 A1).

Referring to claim 30. Fujiwara in view of Lang discloses the method of claim 22, as discussed supra, but does not disclose the method of claim 22 wherein said computer network further performs the additional steps of:

- receiving said consumer's personal financial information and comparing said financial information with costs of producing and assembling said automobile; and
- creating a personalized financing scheme to permit said consumer to purchase modifications of an automobile, or said customized automobile.

Bennett et al. discloses an online purchasing system using credit report information, loan affordability screening and credit approval and management functionality to facilitate the purchase and finance of products online. The invention disclosed in Bennett et al. includes using a computer network (Bennett et al., page 3, ¶0037 – note that the computer network is the claimed invention of the online, affordability-based purchasing system) that performs the steps of receiving said consumer's personal financial information (Bennett et al., page 3, ¶0037 and

Art Unit: 3625

page 7, ¶0078 – note that the reception of the consumer's personal financial information is loan approval engine using the lender profiles, information provided by buyer, and credit reporting databases) and comparing said financial information with costs of producing and assembling said automobile (Bennett et al., page 3, ¶¶0037 and 0039, and page 7, ¶0078 – note that the comparison is the determination of whether the buyer qualifies to purchase the selected product; this determination inherently consists of considering the cost of the product which inherently includes the costs of producing and manufacturing the product), and creating a personalized financing scheme to permit said consumer to purchase modifications of an automobile, or said customized automobile (Bennett et al., page 3, ¶¶0037 and 0039, and page 7, ¶0078 – note that the personalized financial scheme are the loans applicable for which the buyer qualifies).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the system of Fujiwara in view of Lang further to include the teachings of Bennett et al. to allow for the computer network to further performs the additional steps of receiving said consumer's personal financial information and comparing said financial information with costs of producing and assembling said automobile, and creating a personalized financing scheme to permit said consumer to purchase modifications of an automobile, or said customized automobile. Doing so would allow for buyers and sellers to customize a vehicle that fits within the buyer's budget and capacity to pay, thereby saving time and effort, reducing business costs and increasing profits, as suggested in Bennett et al. (Bennett et al., page 1, ¶0007).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Green et al., Patent No. 6,041,310, discloses a method and system for automobile transactions (*see* columns 2-10); (2) Henson, Patent No. 6,167,383, discloses a method and apparatus for providing customer configured machines at an internet site (*see* columns 4-9); (3) Barad et al., Patent No. 6,206,750 B1, discloses personalized toys and methods for manufacturing and delivering the same (*see* columns 3-7); (4) Divine et al., Patent No. 6,339,763 B1, discloses a system and method for visualizing vehicles with accessories (*see* columns 4-8); (5) Pulliam et al., Patent No. 6,609,108 B1, discloses an online communication system and method for ordering consumer products having specific configurations (*see* columns 3 and 6-18); (6) Srinivasan, Pub. No. US 2002/0077922 A1, discloses a system, method and article of manufacture for mass customization of products (*see* Abstract and pages 2-6); and (7) Welch, David, "Where's My Dream Car? Why Built-to-Order Autos Aren't Rolling Out of Cyberdealerships, Business Week, New York, Nov. 27, 2000, issue 3709, page 190.

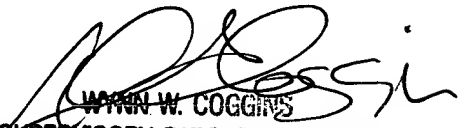
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amee A. Shah whose telephone number is 571-272-8116. The examiner can normally be reached on Mon.-Fri. 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3625

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